Leave of Absence Policy

St Clare
Catholic Multi Academy Trust



"Let all that you do be done with love."

Policy Name	Leave of Absence Policy
Status	Approved
Policy Author	HR Manager
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Advisory Committee	
Linked Documents and Policies	Family Leave Sickness Absence Policy Flexible Working Request Procedure Restructure and Redundancy Policy Policies – St Clare Catholic Multi Academy Trust

This policy shall be reviewed in accordance with the above review date, or earlier should there be a legal requirement, business requirement or any collective agreement that necessitates a change.

1. Introduction

1.1. The Leave of Absence Policy aims to provide a supportive and employee centred approach to how St Clare responds to requests where a leave of absence during working time is unavoidable. For many school based roles, absence must be covered at cost by the school. Whilst leave may be granted to support staff for unplanned events, this may be unpaid.

1.2. St Clare employs staff working multiple patterns, term time only, part time, identified weeks per year and some staff have all school holiday periods as leave. To ensure fairness and consistency across all staff groups it is expected that staff arrange personal appointments and events during their non-working periods.

1.3. Defined paid holiday leave is included within staff terms and conditions and all staff receive this. It is recognised that not all life events will happen during non-working time, however any absence during working time can be disruptive to education and service delivery.

1.4. The policy has been developed to manage requests in a fair and consistent manner considering the educational, operational and budgetary needs of St Clare.

1.5. This policy sets out St. Clare's arrangements for leave of absence, which is a discretionary benefit and is not annual leave. Leave of absence is a discretionary benefit and therefore, none of the allowances are contractual and may be amended at any time. This does not apply to statutory entitlements that will be amended in accordance with new or changing employment legislation.

1.6. St Clare will apply this policy in accordance with the Equality Act 2010 and not unlawfully discriminate based upon the statutory protected characteristics of: Age, sex, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation.

1.7. Preservation of Terms and Conditions under the Transfer of Undertakings (Protection of Employment) Regulations 2006 apply.

2. Scope

2.1. This policy applies to all staff with a contract of employment with St Clare and sponsored apprenticeship roles.

2.2. Temporary or fixed term employees with a school/ St Clare contract of employment that is expected to be for over 12 weeks can benefit from the provisions within this policy after 12 weeks of service. This does not affect access to eligible statutory leave.

2.3. This policy does not apply to contractors engaged on a self-employed basis or by third party providers, agency/supply staff or workers engaged on a casual basis.

2.4. Unless there are specified statutory qualifying periods, the leave outlined in this policy can be requested from the start of an employee's employment with St Clare/ school (see above for excluded workers).

2.5. It is reasonable for Head teachers/ approver to request evidence to support a request for leave of absence.

2.6. This policy does not cover the following, and separate arrangements apply:

- Annual leave as determined by relevant terms and conditions of employment
- Family Leave, Family Leave Policy
- Sick pay and absence, Burgundy and Green Book terms and conditions and Sickness Absence policy
- Leave associated with restructure and redundancy processes, Restructure and Redundancy Policy

2.7. The allowances under this policy do not replace other statutory benefits that staff may be eligible.

2.8. Where any allowances within this policy enhance statutory entitlement(s), the St Clare allowance will be provided and will not be, in addition to it. Reference can be made to the St Clare Family Leave Policy which includes statutory entitlements relevant to family related circumstances.

2.9. Where different leave categories are discretionary, these will be unpaid unless otherwise stated within Appendix 1.

3. Purpose

3.1. The purpose of the policy is to provide a framework to enable Head teachers/ approvers to respond to requests for leave of absence in a fair and consistent manner and to manage the expectations of staff.

3.2. The policy covers most circumstances, however, St Clare will, where a leave of absence is requested, that is not identified within Appendix 1, assess it on a case-by-case basis.

3.3. St Clare will monitor the use of leave of absence and review/ amend policy in consultation with Head teachers, St Clare MDT/ Executive team and recognised Trade Unions at Trust determined review periods.

4. Confidentiality and Data Protection

4.1. All information gathered in the application of this policy will be retained on a confidential and secure basis with access only to individuals as deemed appropriate in line with policy, procedure and role responsibility.

4.2. Leave of absence Information will be retained on staff electronic files in accordance with GDPR and Trust policies.

4.3. Any breach of confidentiality may be investigated in accordance with the Disciplinary Policy and Procedure.

5. Access arrangements for staff

5.1. Most staff have access to computer facilities, have a work email and have the skills to apply for leave of absence.

5.2. Where staff do not have access to computer facilities during working time, struggle using IT or have a disability that would prevent them from accessing the benefits within this policy, they can seek assistance from a support member of staff as appointed by the Head teacher/ approver.

6. Roles and Responsibilities

The Employee

6.1. Unless there are exceptional or emergency circumstances preventing the employee from doing so, the employee should provide at least 2 weeks' notice in advance of the proposed date(s) of absence, providing the Head teacher/ approver adequate time to consider, respond to the request and make the appropriate cover arrangements. Where Trust discretion is sought a minimum of three working days will be needed for the request to be reviewed and an outcome confirmed.

6.2. It is a reasonable expectation that where the employee's family circumstances include another parent/partner or equivalent/responsible adult, that both parties share the responsibility for accessing leave of absence for dependants from their employers for leave related to children or dependants.

6.3. It is the employee's responsibility to identify and provide evidence to support their leave of absence application, where this is practicable.

6.4. If an emergency arises and the employee is unable to request the leave of absence in advance, they must inform the Head teacher/ approver as soon as is practicable by telephone. Should the employee be unable to contact the Head teacher/ approver, employees can contact their Deputy or another senior manager.

6.5. Where the employee is unable to request the emergency leave of absence via telephone e.g. out of hours, due to the nature of the emergency, email/ text will be permitted with a follow up telephone call as soon as reasonably practicable. Whilst leave may be granted the decision about it being paid

or unpaid will be made when the Head teacher/ approver has had the opportunity to review the facts upon return to work. It should not be assumed that the leave will be paid.

6.6. Upon returning to work after emergency leave, the employee will be required have a meeting with the Head teacher/ approver to discuss the reasons for the absence in the same way as they would normally have done, had the request been submitted in advance, in accordance with this policy.

Head teacher/ approver

6.7. The Head teacher/ approver will be familiar with the provisions of the Leave of Absence Policy.

6.8. All leave of absence requests will be considered, approved or declined in line with this policy and with due regard to:

- the nature of the request
- any flexibility that may have been authorised prior to this request, and current working patterns or arrangements that provide scope for time off
- any statutory eligibility
- educational provision
- service needs
- Trust eligibility
- Any previous approved requests in a12 month rolling period that exceed the allowance for a category.

6.9. Except in emergencies, upon receiving a Leave of Absence request from an employee, the Head teacher/ approver will review and respond to the employee explaining the reasons for their decision.

6.10. Except in emergencies, if further information is required before a decision is made, the Head teacher/ approver will arrange a meeting with the employee as soon as is practicable and with due regard to the timing of the intended date of absence. They will discuss the circumstances of the request, seek clarification and evidence before providing the employee with written confirmation of their decision.

6.11. All decisions will be made within 5 working days of receipt (except in emergencies). If authorised, the request will be processed via the appropriate school/Trust MIS system and payroll notified.

6.12. In exceptional circumstances where an emergency request is granted, this will be on an unpaid basis until the circumstances are fully established upon the employees return to work. Upon the return-to-work the Head teacher/ approver must arrange a meeting with the employee to discuss the content of their retrospective Leave of Absence request, prior to deciding if the leave is paid or unpaid or a combination of these.

6.13. Records of leave of absence applications will be retained on the employee's staff electronic file. With approvals also, recorded in the appropriate St Clare system for payroll purposes. This will include retrospective applications for emergencies.

6.14. The Head teacher/ approver can authorise the standard provision of leave of absence where eligible criteria have been met. They can also, exercise local discretion in the authorisation of the identified additional days where they are satisfied that this is appropriate.

6.15. The Head teacher/ approver can discuss with the employee the appropriateness of applying for St Clare additional discretionary days.

7. Unauthorised use or abuse of leave of absence

7.1. The use of this policy is based upon the implied trust and confidence within employee contracts of employment that the information provided by staff, for an application of leave of absence, is accurate.

7.2. Where subsequent information is received by the school/ Trust that suggests that a request has been made based upon false information, this will be considered a conduct matter and may be subject to investigation in accordance with the disciplinary policy.

7.3. Except for emergencies, if an employee takes leave of absence which has not been authorised by the Head teacher/ approver, in the knowledge that this has not been approved, this will be unpaid and be recorded as absent without leave (AWOL). This may be subject to an investigation in accordance with St Clare's disciplinary policy.

8. Leave of absence categories

8.1. The leave of absence categories can be found at Appendix 1, and this sets out what the standard allowance is and if it is unpaid or paid.

8.2. Where there is scope for discretion locally by the Head teacher/ approver and where further discretion may be approved by St Clare Executive Team, is identified.

8.3. Leave of absence is discretionary and St Clare reserves the right not to award any leave of absence should evidence indicate that criteria have not been met, there are doubts about the request being genuine or the policy/ procedure has not been followed.

8.4. The allowances provided, unless specifically identified, are for any rolling 12 month period.

Definitions

(relevant to Appendix 1)

Immediate Family

- Wife/Husband/Partner/Civil Partner
- Son/Daughter/Child (whatever their age)/ Stepchild
- Mother/Father/Parent*
- Stepmother/Stepfather/Stepparent
- Mother-in-law/Father-in-law/Parent-in-law
- Brother/Sister/Sibling/Sibling-in-law
- Stepbrother/Stepsister/Stepsibling
- Grandmother/Grandfather/Grandparent
- Grandchild

*Parent

Includes birth parents, adoptive parents, individuals who are fostering to adopt, legal guardians, foster parents, if they have parental rights obtained via a court (excluding short term and emergency foster care).

Dependents

- An employee's spouse, partner, civil partner, parent or child; or
- A person who lives in the same household as the employee, but who is not their tenant, lodger, boarder or employee (e.g. nanny/au pair); or
- Anyone else who reasonably relies on the employee to help, plan or take action to support day to day activities

Appendix 1 – Leave of Absence Categories and Allowances

Unless expressly stated otherwise, allowances apply in a rolling 12 month period unless otherwise stated and are not contractual. The Head teacher/ approver must record the reason for any use of local discretion. Trust discretion must be approved in writing before the leave is confirmed, unless there is a genuine emergency. Statutory entitlements must be applied in accordance with the law in force at the time of the request.

REF	CATEGORY	DESCRIPTION / CRITERIA	STANDARD PROVISION	LOCAL DISCRETION	TRUST DISCRETION
01	Hospital appointments – medical screening	Medical screening linked to health surveillance, disability, pregnancy-related risk, occupational health, cancer screening, or statutory/Trust health requirements. Routine screening should be arranged outside working time where reasonably practicable.	Paid leave for the time reasonably required to attend, including reasonable travel time.	No additional local discretion.	No Trust discretion normally required.
02	Hospital appointments – scheduled clinics / outpatients	Hospital, consultant or specialist clinic appointments which cannot reasonably be arranged outside working time. Routine GP, dental or optician appointments are not covered unless urgent or exceptional.	Paid leave for the time reasonably required to attend, including reasonable travel time.	No additional local discretion.	No Trust discretion normally required.
03	Emergency dental / doctor appointment	Immediate or emergency medical or dental care required during working time and not reasonably capable of being delayed.	Paid leave for the time reasonably required to attend, including reasonable travel time.	No additional local discretion.	No Trust discretion normally required.

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04	Antenatal appointments - pregnant employee	Antenatal care advised by a registered medical practitioner, midwife or nurse. (not parenting craft type sessions, private scans, or anything that is not medically necessary).	Paid time off as required by statutory entitlement and the Family Leave Policy.	No additional local discretion.	No Trust discretion normally required.
05	Antenatal appointments - accompanying expectant mother	For the partner who will share the care of the child and will accompany the pregnant employee to antenatal appointments.	Unpaid time off for up to 2 appointments of reasonable time to complete them.	No additional local discretion.	No Trust discretion normally required.
06	Bereavement - immediate family	Death of a member of the employee's immediate family.	Up to 3 working days paid.	Up to 2 further working days paid where the Head teacher/ approver is satisfied that additional time is necessary because of the employee's relationship to the deceased, travel requirements, caring responsibilities or funeral arrangements.	Further paid or unpaid leave may be considered by the Trust in exceptional circumstances.
07	Bereavement - child	Death of the employee's child, including a child under 18, an adult child, stepchild, adopted child or child for	Where statutory parental bereavement leave applies, the employee's entitlement	No additional local discretion.	Further support or leave may be considered by

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		whom the employee has parental responsibility. Where statutory parental bereavement leave applies, this will be managed under the Family Leave Policy.	will be managed under the Family Leave Policy. The Trust may provide paid leave under this category as an enhancement to, not in addition to, any statutory parental bereavement leave entitlement. The employee will not receive duplicate leave or duplicate pay for the same period. Where statutory parental bereavement leave does not apply, up to 2 weeks' paid leave may be granted under this policy.		the Trust in exceptional circumstances.
08	Funeral - immediate family or child	Attendance at the funeral of a member of the employee's immediate family or child, where separate bereavement leave is not being taken for that day.	1 working day paid.	No additional local discretion.	No Trust discretion normally required.
09	Bereavement - other person	Death of a person outside the immediate family where the employee has a close	1 working day unpaid.	Up to 2 further working days unpaid where the Head teacher/ approver	No Trust discretion normally required.

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		personal relationship or specific responsibility.		is satisfied that the circumstances justify additional leave.	
10	Funeral - other person	Attendance at the funeral of a person outside the immediate family.	1 working day unpaid.	No additional local discretion.	No Trust discretion normally required.
11	Dependents leave	Emergency leave to deal with an immediate and unforeseen incident involving a dependent, including illness, injury, breakdown of care arrangements or urgent arrangements following an incident. This is intended for short-term emergency response only and make other arrangements. It does not replace statutory carer's leave, parental leave or any other entitlement under the Family Leave Policy. Excludes planned or routine hospital/ GP/ dental appointments for dependents.	Up to 1 working day paid for the immediate emergency response and up to 2 further working days unpaid in any rolling 12 month period. Unpaid leave for the time reasonably required to attend, including reasonable travel time.	Up to 2 further working days unpaid where the Head teacher/ approver is satisfied that the matter remains urgent and unavoidable.	Further unpaid leave may be considered by the Trust in exceptional circumstances.
12	Compassionate leave	Serious illness, personal crisis, serious hardship or serious emergency not otherwise covered by another category (eg fire, flood, burglary, serious property	Up to 3 working days. The first working day may be paid where the circumstances are sudden,	Up to 2 further working days unpaid where the Head teacher/ approver is satisfied that	Further unpaid leave, or paid leave in exceptional

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		damage or sudden domestic incident requiring immediate attendance.	serious and unavoidable. Any further days will normally be unpaid.	additional time is necessary.	cases, may be considered by the Trust.
13	Court attendance - jury service	Attendance for jury service following formal summons. Where attendance is no longer required and the employee is stood down by the judiciary during the summons period, return to work is expected on each day that attendance at court is not needed.	Paid leave will be granted for jury service following formal summons. The employee must claim any court loss of earnings allowance. The Trust may top up to normal pay where evidence of the allowance and attendance is provided.	No additional local discretion.	No Trust discretion normally required.
14	Court attendance - witness	Attendance as a witness where the employee is required by summons, subpoena or formal court/tribunal notification.	1 working day paid.	Up to 3 further working days unpaid if required by the court or tribunal.	Further unpaid leave may be considered by the Trust.
15	Court attendance - character witness	Attendance as a character witness where formal attendance is required.	1 working day paid.	Up to 3 further working days unpaid where required by the court or tribunal.	Further unpaid leave may be considered by the Trust.
16	Court attendance - appearance by employee	Attendance required by a court or tribunal in a personal capacity, excluding matters connected to the employee's conduct at work.	1 working day paid.	Up to 3 further working days unpaid where required by the court or tribunal.	Further unpaid leave may be considered by the Trust.

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17	Reserved forces - training	Royal Naval, Royal Marine, Army or Air Force Reserve training or annual camp.	Up to 3 working days unpaid.	Up to 2 further working days unpaid where training dates cannot reasonably be arranged outside working time.	Further unpaid leave may be considered by the Trust. Where a reserve unit cannot arrange annual camp during school closure periods.
18	Reserved forces – mobilisation	Mobilisation or call-out into full-time service.	Statutory right to be released from work. Pay will normally be provided by the Ministry of Defense rather than the Trust.	No additional local discretion.	Trust advice must be sought.
19	Trade union duties and activities	Reasonable paid time off for accredited trade union representatives to undertake recognised duties and training, in accordance with facilities time arrangements.	Variable paid time as reasonably required and agreed in advance.	No additional local discretion.	Trust advice should be sought where the request is unusual or extended.
20	Public duties - governor or public office	Duties as a school/college governor, magistrate, local authority member, police or health authority member, director or comparable public office.	School/college governor: up to 1 working days paid. Other public duties: reasonable unpaid time off unless a separate statutory	Further 4 days unpaid leave may be granted where operationally reasonable.	Further paid or unpaid leave may be considered by the Trust for significant public duties, such as magistrate or

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			or agreed arrangement applies.		local authority leadership roles.
21	Interview - academy, school or college	Attendance at an interview for a role within an academy, school or college.	1 working day paid.	1 further working day paid where the interview process requires attendance over more than one day.	No Trust discretion normally required.
22	Induction day - academy, school or college	Attendance at an induction day for a teaching or pupil/student-facing role in an academy, school or college.	1 working day unpaid.	No additional local discretion.	No Trust discretion normally required.
23	Interview - other employment	Attendance at an interview for employment outside academies, schools or colleges.	1 working day unpaid.	No additional local discretion.	No Trust discretion normally required.
24	Study / examinations	Study or examinations for funded programmes, essential to their role or formally supported by the Academy or Trust.	Up to 2 working days paid.	Further paid or unpaid leave may be granted where operationally reasonable and where the training, study or	Trust advice should be sought where the request is extended, repeated, unclear, or where the training or

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				examination is required or formally supported by the Academy or Trust.	examination is required by the Academy or Trust and exceeds the standard local allowance.
25	External examining work	Teachers engaged by examination groups or awarding bodies.	Paid release may be granted where the Burgundy Book or other applicable terms support release and the work benefits the Academy or Trust.	No additional local discretion.	Trust advice should be sought where supply reimbursement, payment or release arrangements are unclear.
26	Ofsted duties and activities	Employees engaged in Ofsted inspection, training or related activity.	Leave may be granted for the pre-agreed number of days where approved in advance. Any Ofsted or contractor payment, reimbursement or supply-cover payment must be declared and agreed.	No additional local discretion.	Trust approval required before paid release is confirmed.
27	Religious observance	Religious observance not already accommodated by the academic calendar or the employee's working pattern.	1 working day unpaid.	1 further working day unpaid where the Head teacher/ approver is satisfied that the	Further unpaid leave may be considered by the Trust, including extended religious

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				observance cannot reasonably take place outside working time.	observance such as pilgrimage.
28	Wedding or civil partnership ceremony	The employee's own wedding/civil partnership ceremony, or attendance at the wedding/civil partnership ceremony of an immediate family member or other person.	Own wedding/civil partnership: for self 1 working day paid. Immediate family: 1 working day unpaid. Other person: 1 working day unpaid.	1 further working day unpaid where significant travel is unavoidable.	No Trust discretion normally required.
29	Graduation attendance	The employee's own graduation or attendance at the graduation of an immediate family member or other person.	Own graduation: 1 working day paid. Immediate family: 1 working day paid. Other person: 1 working day unpaid.	1 further working day unpaid where significant travel is unavoidable.	No Trust discretion normally required.
30	Moving house	Moving to a new home where the move cannot reasonably be arranged on a non-working day.	1 working day paid.	No additional local discretion.	No Trust discretion normally required.
31	High-level amateur sport /	Participation in organised sports or performing arts activity requiring significant commitment at elite, national or recognised representative level,	Up to 3 working days paid.	No additional local discretion.	Further paid or unpaid leave may be considered by the Trust where the representation is

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	performing arts representation	where the employee is not engaged as a professional.			exceptional and evidence is provided.
32	Semi-professional or professional sport / performing arts	Participation in semi-professional or professional sporting or performing arts activity.	1 working day unpaid.	No additional local discretion.	Further unpaid leave may be considered by the Trust.
33	Travel disruption – overseas	Unavoidable overseas travel disruption outside the employee's control, supported by evidence such as airline/ travel operator confirmation, cancellation notice, travel provider confirmation or official advice. This assumes that foreign office guidance has been followed. The employee should demonstrate that they have made every effort to avoid the need for leave eg original booking information shows that reasonable travel time had been planned with return travel tickets booked for a date in advance of the first working day of return.	1 working day paid. This assumes that Foreign Office guidance has been followed and efforts to return has been evidenced.	Up to 4 further working days unpaid where the Head teacher/ approver is satisfied that the employee could not reasonably return earlier. Eg infrequent flights to some locations, Foreign Office instructions.	Further unpaid leave may be considered by the Trust.

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34	Travel disruption – domestic	Unavoidable domestic travel disruption outside the employee's control, supported by evidence where reasonably available. The employee should demonstrate that they have made every effort to avoid the need for leave eg original booking information shows that reasonable travel time had been planned with the return journey booked for a date in advance of the first working day of return.	1 working day paid.	1 further working day unpaid where the Head teacher/ approver is satisfied that the employee could not reasonably attend work.	Further unpaid leave may be considered by the Trust.
35	Extended leave of absence	Longer period away from work for exceptional reasons, such as prolonged caring responsibilities for a chronically sick, disabled or terminally ill dependent.	Normally unpaid.	No additional local discretion.	Trust approval required.